

AGREEMENT

BY AND BETWEEN

BOSTON REDEVELOPMENT AUTHORITY

AND

CHINESE CONSOLIDATED BENEVOLENT ASSOCIATION OF NEW ENGLAND

This Agreement, made and entered into this day of , 1981 by and between the Boston Redevelopment Authority (hereinafter "BRA") and the Chinese Consolidated Benevolent Association of New England (hereinafter the "Association").

WITNESSETH THAT:

WHEREAS, at the request of the City of Boston ("City") the BRA has undertaken supervision on the design and construction of a ceremonial Gateway Arch ("Chinatown Gateway Arch") in the Chinatown section of the City of Boston; and

WHEREAS, the BRA has contracted with Modern Continental Construction Co., Inc., (the "Contractor") for the construction of the Chinatown Gate Arch; and

WHEREAS, the Association owns certain building materials, consisting of sixty-four cases of various tiles, marble lions and flags (the "Materials"), donated to the Association by the government of the Republic of China for the exclusive purpose of the inclusion of said Materials into said Chinatown Gateway Arch; and

WHEREAS, commencement of construction of the Chinatown Gateway Arch is imminent.

NOW, THEREFORE, in consideration of the above and in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

I UNDERTAKINGS OF THE ASSOCIATION

(a) At that time at which the Contractor informs the BRA that incorporation of the Materials into the Chinatown Gateway Arch is necessary, BRA shall so notify the Association which shall thereupon deliver title to and possession of the Materials, identified and listed in the attached Exhibit A hereto, to the Contractor. On said date the Association shall also deliver evidence satisfactory to the BRA that the storage charges for the Materials have been paid in full up to and including the date of delivery of possession to the Contractor.

(b) If, at the time of delivery of title and possession to the Contractor by the Association, the BRA or the Contractor determines that any or all of the Materials are missing or damaged, the Association shall provide replacement of

all such Materials within such time sufficient to permit the Contractor to include such replaced Materials in the construction on the Chinatown Gateway Arch.

(c) All provisions of this Agreement including, but not limited to those affecting the delivery of title, payment of storage charges by the Association, and replacement of damaged or missing Materials shall apply to the delivery of any Materials by the Association replaced pursuant to this sub-section I.(c).

(d) At the time of delivery to the Contractor, the Association shall execute and deliver to the BRA an instrument under seal forever discharging the BRA of and from any and all claims, demands, and liabilities whatsoever of any name and nature both in law and at equity arising from or in any way connected to the transfer of the Materials pursuant hereto including any claims, demands or liabilities regarding any and all damage to or loss of any of the Materials prior to said transfer.

II UNDERTAKINGS OF BRA

(a) BRA shall cause the Materials to be incorporated into the Chinatown Gateway Arch pursuant to its agreement with the Contractor, and upon completion of the aforesaid construction, BRA shall transfer title to and possession of the Chinatown Gateway Arch, including the Materials incorporated therein, to the Parks and Recreation Department of the City.

Signed this _____ day _____ of _____ 1981.

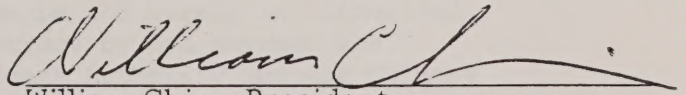
Approved as to legal form:

BOSTON REDEVELOPMENT AUTHORITY

Margaret M. Brown
Assistant General Counsel

Robert J. Ryan, Director

CHINESE CONSOLIDATED BENEVOLENT
ASSOCIATION OF NEW ENGLAND



William Chin, President

MEMORANDUM

June 25, 1981

4081

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE CHINESE
CONSOLIDATED BENEVOLENT ASSOCIATION

The Chinese Consolidated Benevolent Association officially received the China Gate materials when they were shipped from the Republic of China to Boston in 1975. Subsequent to delivery, the CCBA has paid for storage of the materials at Port Terminals, 666 Summer Street, South Boston.

On April 9, 1981, the BRA Board approved a contract for \$177,830 with Modern Continental Construction Company, Inc., for installation of the China Gate and related street/utility work.

Permission is now requested to authorize the Director to enter into an agreement with the CCBA on behalf of the Authority for formal receipt of Gate Materials so that Contractor can complete his work as required.

The BRA is the construction agent for the City's Edward Ingersall Brown Fund which is the funding source for this project.

An appropriate Vote follows:

VOTED: That the Director be and hereby is authorized to execute a contract by and between the Boston Redevelopment Authority and the Chinese Consolidated Benevolent Association, a copy of which is attached hereto.

